

**IN THE UNITED STATES DISTRICT COURT
FOR THE NOTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISON**

MARY STOVALL

PLAINTIFF

VS.

CAUSE NO.: 3:21cv225-MPM-JMV

**JAMES R. SCHROEDER and
GENOX TRANSPORTATION, INC.**

DEFENDANTS

ORDER

Defendant Genox Transportation, Inc. has filed an unopposed motion for partial summary judgment in this action, which arises from an October 24, 2020, motor vehicle accident on Interstate 55 in Tate County, Mississippi in which defendant Schroeder was operating one of the vehicles in the course and scope of his employment with defendant Genox. In its motion for partial summary judgment, defendant seeks dismissal of the direct negligence claims against it, arguing that:

In *Dinger v. American Zurich Ins. Co.*, et al, the plaintiffs sued the employer of an allegedly negligent driver for negligent hiring and training despite the fact that the employer “unequivocally admit[ted] that it is vicariously liable for compensatory damages for the negligence of [the driver].” No. 3:13-CV-46-MPM-SAA, 2014 WL 580889, at *1 (N.D. Miss. Feb. 13, 2014). After reviewing Mississippi case law, the court noted that “once an employer admits that it is liable for their employee’s actions, evidence that pertains to issues of the employer’s own negligence in hiring or supervision becomes redundant and possibly unfairly prejudicial.” *Id.* This is because “it is the driver’s conduct that causes the accident that is the issue at trial, and not the negligence of the employer.” *Id.*

[Brief at 3].

Plaintiff has failed to respond in opposition to this argument, which this court therefore regards as conceded. Defendant’s motion for partial summary judgment will accordingly be granted.

In light of the foregoing, it is ordered that defendant's motion for partial summary judgment is granted.

This, the 7th day of November, 2022.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI